

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2636

Introduced by Assembly Member Furutani

February 24, 2012

An act to amend Section ~~3075~~ 3099.4 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2636, as amended, Furutani. ~~Apprenticeship~~ *Electricians: registration fees.*

Existing law requires individuals who perform work as electricians to become certified. An uncertified person may perform electrical work for which certification is required, however, if the person is registered with the Division of Apprenticeship Standards, has completed or is enrolled in an approved curriculum of classroom instruction, and the person's employer attests that the person is under the direct supervision of a certified electrician who is responsible for supervising no more than one uncertified person. The division is required to establish registration fees, not to exceed \$25, necessary to implement this provision.

This bill would exempt a veteran, as defined, from the payment of this fee.

~~Existing law provides for the establishment of apprenticeship programs in various trades, to be approved by the Chief of the Division of Apprenticeship Standards of the Department of Industrial Relations in any trade in the state or in a city or trade area whenever the apprentice training needs justify the establishment. Existing law provides that the apprentice training needs in the building and construction trades shall~~

~~be deemed to justify a new apprentice program only if one or more specified conditions are met.~~

~~This bill would make technical, nonsubstantive changes to these provisions of law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3099.4 of the Labor Code is amended to
2 read:

3 3099.4. (a) After the deadline for certification, an uncertified
4 person may perform electrical work for which certification is
5 required under Section 3099 in order to acquire the necessary
6 on-the-job experience for certification, if all of the following
7 requirements are met:

8 (1) The person is registered with the Division of Apprenticeship
9 Standards. A list of current registrants shall be maintained by the
10 division and made available to the public upon request.

11 (2) The person either has completed or is enrolled in an approved
12 curriculum of classroom instruction.

13 (3) The employer attests that the person shall be under the direct
14 supervision of an electrician certified pursuant to Section 3099
15 who is responsible for supervising no more than one uncertified
16 person. An employer who is found by the division to have failed
17 to provide adequate supervision may be barred by the division
18 from employing uncertified individuals pursuant to this section in
19 the future.

20 (b) For purposes of this section, an “approved curriculum of
21 classroom instruction” means a curriculum of classroom instruction
22 approved by the electrician certification curriculum committee
23 established pursuant to paragraph (6) of subdivision (a) of Section
24 3099 and provided under the jurisdiction of the State Department
25 of Education, the Board of Governors of the California Community
26 Colleges, or the Bureau for Private Postsecondary and Vocational
27 Education.

28 (c) The curriculum committee may grant approval to an
29 educational provider that presently offers only a partial curriculum
30 if the educational provider intends in the future to offer, or to
31 cooperate with other educational providers to offer, a complete

1 curriculum for the type of certification involved. The curriculum
2 committee may require an educational provider receiving approval
3 for a partial curriculum to periodically renew its approval with the
4 curriculum committee until a complete curriculum is offered and
5 approved. A partial curriculum means a combination of classes
6 that do not include all classroom educational components of the
7 complete curriculum for one of the categories of certification
8 established in accordance with subdivision (c) of Section 3099.2.

9 (d) An educational provider that receives approval for a partial
10 curriculum ~~must~~ *shall* disclose in all communications to students
11 and to the public that the educational provider has only received
12 approval for a partial curriculum and shall not make any
13 representations that the provider offers a complete approved
14 curriculum of classroom instruction as established by subparagraph
15 (A) of paragraph (6) of subdivision (a) of Section 3099.

16 (e) For purposes of this section, a person is “enrolled” in an
17 approved curriculum of classroom instruction if the person is
18 attending classes on a full-time or part-time basis toward the
19 completion of an approved curriculum.

20 (f) Registration under this section shall be renewed annually
21 and the registrant shall provide to the division certification of the
22 classwork completed and on-the-job experience acquired since the
23 prior registration.

24 (g) For purposes of verifying the information provided by a
25 person registered with the division, an educational provider of an
26 approved curriculum of classroom instruction shall, upon the
27 division’s request, provide the division with information regarding
28 the enrollment status and instruction completed by a person
29 registered. By registering with the division in accordance with this
30 section, a person consents to the release of this information.

31 (h) (1) The division shall establish registration fees necessary
32 to implement this section, not to exceed twenty-five dollars (\$25)
33 for the initial registration. There shall be no fee for annual renewal
34 of registration. Fees collected are continuously appropriated in an
35 amount sufficient to administer this section and that amount may
36 be expended by the division for this purpose.

37 (2) *The division shall not impose the fee described in this*
38 *subdivision on a veteran, as defined in Section 3076.5.*

39 (i) The division shall issue regulations to implement this section.

1 (j) For purposes of Section 1773, persons employed pursuant
2 to this section do not constitute a separate craft, classification, or
3 type of worker.

4 (k) Notwithstanding any other provision of law, an uncertified
5 person who has completed an approved curriculum of classroom
6 instruction and is currently registered with the division may take
7 the certification examination. The person shall be certified upon
8 passing the examination and satisfactorily completing the requisite
9 number of on-the-job hours required for certification. A person
10 who passes the examination prior to completing the requisite hours
11 of on-the-job experience shall continue to comply with subdivision
12 (f).

13 ~~SECTION 1. Section 3075 of the Labor Code is amended to~~
14 ~~read:~~

15 ~~3075. (a) An apprenticeship program may be administered by~~
16 ~~a joint apprenticeship committee, unilateral management or labor~~
17 ~~apprenticeship committee, or an individual employer. Programs~~
18 ~~may be approved by the Chief of the Division of Apprenticeship~~
19 ~~Standards in any trade in the state or in a city or trade area,~~
20 ~~whenever the apprentice training needs justify the establishment.~~
21 ~~If a collective bargaining agreement exists, a program shall be~~
22 ~~jointly sponsored unless either party to the agreement waives its~~
23 ~~right to representation in writing. Joint apprenticeship committees~~
24 ~~shall be composed of an equal number of employer and employee~~
25 ~~representatives.~~

26 ~~(b) For purposes of this section, the apprentice training needs~~
27 ~~in the building and construction trades shall be deemed to justify~~
28 ~~the approval of a new apprenticeship program only if any of the~~
29 ~~following conditions are met:~~

30 ~~(1) There is no existing apprenticeship program approved under~~
31 ~~this chapter serving the same craft or trade and geographic area.~~

32 ~~(2) Existing apprenticeship programs approved under this~~
33 ~~chapter that serve the same craft or trade and geographic area do~~
34 ~~not have the capacity, or neglect or refuse, to dispatch sufficient~~
35 ~~apprentices to qualified employers at a public works site who are~~
36 ~~willing to abide by the applicable apprenticeship standards.~~

37 ~~(3) Existing apprenticeship programs approved under this~~
38 ~~chapter that serve the same trade and geographic area have been~~
39 ~~identified by the California Apprenticeship Council as deficient~~
40 ~~in meeting their obligations under this chapter.~~

1 ~~(e) Notwithstanding subdivision (b), the California~~
2 ~~Apprenticeship Council may approve a new apprenticeship~~
3 ~~program if special circumstances, as established by regulation,~~
4 ~~justify the establishment of the program.~~

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